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12 INC., and ABBOTT LABORATORIES INC.

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Plaintiffs
DAKO NORTH AMERICA, INC. and DAKO
DENMARK A/S

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA, ABBOTT
20 MOLECULAR INC., and ABBOTT
LABORATORIES INC.,

21 Plaintiffs,

22 v.

23 DAKO NORTH AMERICA, INC., and
24 DAKO DENMARK A/S,

25 Defendants.

26 AND RELATED COUNTERCLAIMS.
27

Case No. C 05-03955 MHP

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE: CASE SCHEDULE**

Plaintiffs The Regents of the University of California, Abbott Molecular Inc. and Abbott Laboratories Inc., and Defendants Dako North America, Inc. and Dako Denmark A/S (collectively “Dako”), by and through their respective counsel, stipulate as follows:

1. The parties agree to further meet and confer regarding the scope of document production as related to the seven additional accused split-signal products;

2. Dako agrees to make available for deposition an additional Rule 30(b)(6) witness to testify regarding the seven additional accused split-signal products after November 3, 2008, if necessary;

3. With the agreements above, the parties stipulate to the following case schedule:

Deadline	Event
8/15/08 (set by Court)	Designation of witnesses (other than experts) to be called in a party's case-in-chief
10/08/08	Last day for parties to complete document production except as related to the seven additional accused split-signal products
11/03/08	Last day for parties to complete document production as related to the seven additional accused split-signal products
11/17/08 (set by Court)	Close of non-expert discovery
11/24/08 at 3pm (set by Court)	Further Status Conference (with a joint supplemental status report to be filed one week prior)
12/01/08 (set by Court)	Last day to serve opening expert reports on issues for which the party bears the burden of proof
12/08/08 (set by Court)	Last day to file motions for summary judgment regarding the validity and/or enforceability of the patent-in-suit
12/24/08	Last day to file oppositions to motions for summary judgment regarding the validity and/or enforceability of the patent-in-suit
1/12/09	Last day to file reply briefs in support of motions for summary judgment regarding the validity and/or enforceability of the patent-in-suit
1/19/09	Last day to serve rebuttal expert reports on issues for which the party does not bear the burden of proof

1	1/25/09	Close of expert discovery regarding validity and enforceability of the patent-in-suit
2		
3	1/26/09 at 2pm (set by Court)	Hearing on motions for summary judgment regarding the validity and/or enforceability of the patent-in-suit
4		
5	2/09/09	Last day to file motions for summary judgment regarding infringement of the patent-in-suit
6		
7	2/13/09	Close of expert discovery regarding infringement and damages
8		
9	2/23/09	Last day to file oppositions to motions for summary judgment regarding infringement of the patent-in-suit
10		
11	3/02/09	Last day to file reply briefs in support of motions for summary judgment regarding infringement of the patent-in-suit
12		
13	3/16/09 at 2pm	Hearing on motions for summary judgment regarding infringement of the patent-in-suit
14		
15	5/12/09 at 8:30am (set by Court)	Trial

Dated: August 26, 2008

FENWICK & WEST LLP

By: /s/ Carolyn Chang

Attorneys for Plaintiffs/Counterdefendants

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, ABBOTT MOLECULAR INC., and ABBOTT LABORATORIES INC.

Dated: August 26, 2008

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER L.L.P.

By: /s/ Tina E. Hulse

Attorneys for Defendants/Counterclaimants

DAKO NORTH AMERICA, INC. and DAKO DENMARK A/S

ORDER

Pursuant to the foregoing Stipulation, and good cause appearing therefore;

IT IS SO ORDERED.

Dated: _ August 27 _____, 2008

By: _____

The Hon _____

UNITED STATES



FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW